

Draft Conditions of Consent – DA 2017/244

A DEFERRED COMMENCEMENT CONDITION

Deferred Commencement

The operation of this consent being deferred, pursuant to Section 4.16(3) of the Environmental Planning & Assessment Act until the following condition is satisfied:

i Revised Wetland Rehabilitation and Monitoring Plan

The submitted Wetland Rehabilitation and Monitoring Plan (WRMP), prepared by Ecological Australia and dated 7 November 2018, is to be amended to address the following matters:

- a) Written confirmation from the owner of Lot 5 DP 1225206 that the Developer has the authority to undertake the proposed hydrological and ecological monitoring program within Lot 5.
- b) Confirmation that the actions of the WRMP will be undertaken for a minimum period of ten years.
- c) Confirmation that Stage 1 of the restoration program will commence immediately upon this consent becoming operational, and all Stage 1 works will be completed within twelve months of Stage 1 being activated.
- d) Section 5.1.2 is to be revised to remove all references to brush matting as a method of revegetation. Planting is to be used as the primarily method for revegetation. All planting works are to be included in Stage 1.
- e) The performance criteria for Stage 2 (Section 6.1) is to be revised to ensure the rehabilitation area achieves a 80% coverage of native species and the rehabilitation area is equivalent to the target Plant Community Type (PCT)
- f) Coverage/compliance of the targeted PCT. Dot point 4 of Stage 2 performance criteria is to be removed from the WRMP.
- g) The performance criteria (Section 6.1) is to be revised to confirm that if the performance criteria is not achieved within ten years, the Developer will extend the restoration project until the performance criteria are achieved.
- h) Monitoring stations are to be established to confirm the hydrological flows predicted by the modelling package XP-SWMM are being realized to the wetland. The resultant flow rates are to be incorporated into the WRMP.
- i) The trigger levels associated with Monitoring indicators 1 and 2 of Table 8 are to be revised to include that if the post development monitoring confirms there is a 15% change to surface and/or groundwater flow when compared to the predicted flow rates (point p above), mitigation actions will be activated.
- j) The trigger levels associated with Monitoring indicators 3 to 9 of Table 8 are to be set at 25%
- k) The actions contained within Table 8 are to be modified to ensure they include a range of practical mitigation measures that can be implemented if the trigger levels are exceeded and those exceedances are confirmed to be associated with the development. Mitigation measures are to include additional stormwater and/or infiltration areas.
- l) Table 10 is to be revised to confirm the actions referred to as “once-off” are completed prior to works commencing at the site and the other changes required by this Deferred Commencement Condition.
- m) A timetable for the implementation of all actions and linked to the staging of the development (ie number of lots).

The amended Wetland Rehabilitation and Monitoring Plan is to be submitted to and Approved by Council's Development & Environmental Health prior to activation of the consent.

ii Inter Urban Break and Wildlife Corridor Linkage

The Developer is to prepare a Wildlife Corridor Restoration Plan (WCRP) which is consistent with the details provided in Schedule 5 of this Development Consent. The WCRP is to encompass all of the areas contained within the mapped polygons depicted in Schedule 5, with the exception of road reserves. The WCRP is to be drafted to the satisfaction of Council's Development and Environmental Health Group (DEHG) prior to activation of the consent. The WCRP is to confirm and/or provide details on:

- a. written authorisation from the landowner of Lot 5 DP 1225206, confirming that they have reviewed the WCRP and permit the required restoration works to be conducted on Lot 5 DP 1225206.
- b. evidence that the landowner(s) of Lot 1 DP 449851, Lot 3 DP 1184436 and Lot 66 DP755684 have been consulted and provided a copy of the WCRP.
- c. a detailed costing for all aspects of the program (Stages 1 and 2) including: fencing, planting works, maintenance works, monitoring, weed control etc.
- d. details on the location and type of wildlife friendly exclusion fencing required to prevent domestic stock from accessing land affected by the WCRP
- e. a list of all weed species and methods to be used to control them
- f. details of the measures to be implemented to monitor the success of the rehabilitation plan including the provision of monitoring reports to be provided to Council's DEHG.
- g. commitment that all planting stock will be sourced from plants growing in the immediate locality.
- h. confirmation that the developer will implement Stage 1 of the WCRP for a minimum period of 10 years and the developer will fund all aspects of the program.
- i. a detailed staging plan for Stage 2 of the WCRP (refer to Schedule 5). Information to be submitted timing of all works, funding arrangements and the identification of the personnel responsible for implementing Stage 2
- j. a range of performance goals that are measurable and include commitment that unless the goals are achieved the rehabilitation program will be extended until they are achieved. In this regard Council will require all forested areas to achieve an 80% native vegetation canopy coverage within a ten year time period. All wetland areas are to achieve an 80% native coverage. All vegetation stratas are to be free of all environmental and noxious weeds.
- k. a timetable for the implementation of all revegetation, rehabilitation and weed control works linked to the staging of the development (ie lot numbers).
- l. identify contingency plans if proposed revegetation works do not respond to proposed treatment works e.g. feral animal browsing.
- m. management actions to eradicate other invasive species from the rehabilitation areas.
- n. measures to be implemented to ensure that all areas of native vegetation is managed and protected in perpetuity.
- o. assessment on the environmental suitability and extent of works required to restore the natural flow path from SEPP 14 to Chickiba Creek
- p. Confirmation all restoration work shall be undertaken by or overseen by a qualified bush regenerator. The bush regenerator must hold the Bushland

Regeneration Certificate II or equivalent and have a minimum of 2 years experience regenerating floodplain communities.

- q. land that is already subjected to existing works, grants and or previous rehabilitation programs cannot be used for offsetting.
- r. The vegetation communities within Lot 5 which are to be revegetated to comply with Council's DCP requirements cannot be used for meeting the offsetting requirements as required by Condition 2.2 of this consent. Council will require a like for like offset area that is with located within 5km of the development site.

iii **Freshwater Wetland EEC Offset Site**

- **Nomination of EEC Offset Site**

All areas of Freshwater Wetland EEC to be directly and/or indirectly impacted by the development are to be offset on a like for like basis in the ratio of 3:1 (that is 3m² of offset is required for 1m² of impact). This equates to a Freshwater Wetland EEC offset area of 8.4ha (3 x 2.8ha). Any proposed offset site is to be located within five kilometres of the development site. Any proposed offset site is to be protected in perpetuity. If a suitable Freshwater Wetland EEC cannot be secured within 5km of the development site the Developer may substitute the Freshwater Wetland EEC for another floodplain EEC that occurs within the Study Area, as defined by the Ecological Assessment Report prepared by EcoLogical and November 2017. This offsetting requirement is in addition to the Stage 1 on the ground restoration wildlife corridor works required by condition 2.1. Consequently, Lot 5 DP 1225206 cannot be used as an offset site to comply this condition.

Details on the location and extent of any proposed freshwater wetland EEC offset site are to be submitted to Council's Environmental Health Group for approval prior to the activation of the consent.

- **Freshwater Wetland Offset Plan**

The Developer is required to prepare a Freshwater Wetland Offset Plan (FWOP). The FWOP is to be drafted to the satisfaction of Council's Development and Environmental Health Group prior to the activation of the consent. The FWOP is to confirm and/or provide details on:

- a. written authorisation from the landowner of the approved freshwater wetland EEC offset site confirming that they have reviewed the WCRP and permit for the required restoration works to be conducted on the identified offset site.
- b. a detailed costing and staging plan for all aspects of the program including: fencing, planting works, maintenance works, monitoring, weed control etc.
- c. details on the location and type of exclusion fencing required to prevent domestic stock from accessing land affected by the FWOP
- d. a list of all weed species and methods to be used to control them
- e. details of the measures to be implemented to monitor the success of the rehabilitation plan including the provision of monitoring reports to be provided to Council's DEHG.
- f. commitment that all planting stock will be sourced from plants growing in the immediate locality.
- g. confirmation that the developer will implement the actions of the FWOP for a minimum period of 10 years and the developer will fund all aspects of the program.

- h. a range of performance goals that are measurable and include commitment that unless the goals are achieved the rehabilitation program will be extended until they are achieved. In this regard Council will require wetland areas are to achieve an 80% native coverage. All vegetation stratas are to be free of all environmental and noxious weeds.
- i. a timetable for the implementation of all revegetation, rehabilitation and weed control works linked to the staging of the development (ie lot numbers).
- j. identify contingency plans if proposed revegetation works do not respond to proposed treatment works e.g. feral animal browsing.
- k. management actions to eradicate other invasive species from the rehabilitation areas.
- l. measures to be implemented to ensure that all areas of native vegetation is managed and protected in perpetuity.
- m. Confirmation all restoration work shall be undertaken by or overseen by a qualified bush regenerator. The bush regenerator must hold the Bushland Regeneration Certificate II or equivalent and have a minimum of 2 years experience regenerating floodplain communities.
- n. land that is already subjected to existing works, grants and or previous rehabilitation programs cannot be used for offsetting.

iv Drainage Reserve Dedication Plan – Coastal Buffer

A Drainage Reserve Dedication Plan which details the lot(s) within the coast buffer (Lot 347) to be dedicated to Council as drainage reserve, and relevant staging of such, shall be submitted to and approved by Council prior to activation of the consent. This plan shall show either:

- 1) The dedication of the entire Lot 347 (as shown on the approved subdivision plan) containing stormwater and public infrastructure (footpaths etc) to Council as a drainage reserve free of cost.

or

- 2) The dedication of drainage reserve lots to Council free of cost and creation of easements generally in accordance with Knobel Consulting Proposed Stormwater Layout Eastern Discharge Plan, P044 Issue C, as amended by Council (Council Record No. 18/91523), including:
 - All stormwater treatment and detention basins are to be contained on their own drainage reserve lot including vehicular access tracks to the basins.
 - All overland flow paths and drainage conveyance structures are to be contained in easements to Council's benefit.
 - All footpaths/shared paths are to be contained in an easement for public pedestrian access.
 - A right of carriageway from public reserve Lot 633 (PR6) to the Neighbourhood Park to the benefit of Council for the purpose of providing safe access for maintenance vehicles.

All residual portions of Lot 347 are to be consolidated with Lot 346 (SL4) and connected via vinculum. The applicant is to also detail how legal access is to be provided to all portions of the consolidated lot.

This deferred commencement consent will lapse if the above requirements are not complied with prior to twenty-four months to the satisfaction of Council.

1 GENERAL CONDITIONS

1.1 Details of Approval

Development being carried out in accordance with the following plans and reports, except as modified by any condition in this consent. To the extent of any inconsistency between the plans and these conditions, the conditions shall prevail.

Approved Plans (Council Reference 18/87052)			
Drawing Title	Drawing Number	Date	Prepared by
Proposed Subdivision Plan – Ref M31890	21837 B Sheet 1 of 4 Rev S	28/06/18	B&P Surveyors
Proposed Subdivision Plan – Ref M31890	21837 B Sheet 2 of 4 Rev S	28/06/18	B&P Surveyors
Proposed Subdivision Plan – Ref M31890	21837 B Sheet 3 of 4 Rev S	28/06/18	B&P Surveyors
Proposed Subdivision Plan – Ref M31890	21837 B Sheet 4 of 4 Rev S	28/06/18	B&P Surveyors
Skennars Head Expansion Area – Overall Landscape	Masterplan 1519 – MP01B	July 2018	Landsite
Skennars Head Expansion Area – Street Road Types Plan and Sections	1519 – MP02C	July 2018	Landsite
Skennars Head Expansion Area – Neighbourhood Park Concept	1519 – MP03A	October 2017	Landsite
Skennars Head Expansion Area – Neighbourhood Park Sections	1519 – MP04A	October 2017	Landsite
Sewer Servicing, Gravity Trunk Sewer Depthing Layout sheets 1	Dwg numbers 0111 Rev A	09.10.18	Planit Consulting
Sewer Servicing, Gravity Trunk Sewer Depthing Layout sheets 2	Dwg numbers 0112 Rev A	09.10.18	Planit Consulting

Earthworks Staging Plan	P049 Rev D	28-06-18	Knobel Consulting
Preliminary Bulk Earthworks Plan	P014 Rev F	6-07-18	Knobel Consulting
Preliminary Roadworks Layout	P024 Rev H	04-07-18	Knobel Consulting
Wetland Interface / Mosquito Buffer / Bushfire Attack Level Zones	1519 – Rev C	June 2018	Landsite
Tree Retention /Removal Plan	SV01D	08/11/18	Landsite
Tree Retention /Removal Plan	SV02B	08/11/18	Landsite
Tree Retention /Removal Plan	SV03C	08/11/18	Landsite
Tree Retention /Removal Plan Tables	SV04C	08/11/18	Landsite
Reports			
Title	Date	Council Ref.	
Aboriginal Cultural Heritage Assessment Report prepared by Eco Logical Rev 3	May 2017	17/39138	
Archaeological Technical Report prepared by Eco Logical Rev 3	May 2017	17/39140	
Proposed Rising Main, Skennars Head Village, Skennars Head NSW – Preliminary Aboriginal Cultural Heritage Assessment Reference EV.736 Prepared by Everick Heritage Consultants	6 July 2018	18/48335	
Detailed Site Investigation for Contamination, prepared by Douglas Partners	May 2017	17/41663	
Mosquito Impact Assessment, prepared by Mosquito Consulting Services Pty Ltd	6 May 2017	17/39153	
Report on Acid Sulfate Soils Management Plan prepared by Douglas Partner	Nov 2017	17/92569	
Environmental Noise Impact Assessment prepared by CRG Acoustics	20 June 2017	17/55235	
Conceptual Stormwater Quality & Quantity Management Plan Eastern Catchment,	12 September 2018	18/69422	

prepared by Knobel Consulting File No: K3395-0099-Rev E		
Conceptual Stormwater Quality & Quantity Management Plan Western Catchment, prepared by Knobel Consulting File No: K3395-0102-Rev C	10 October 2018	18/76635

1.2 Sequencing of Stages

The development is to be staged in accordance with the nominated numerical/alphabetical sequencing provided on the approved plans, unless otherwise agreed to by Council. A Subdivision Certificate for a particular stage is not to be issued unless a Subdivision Certificate has been issued for the prior stages of the development.

1.3 Discovery of Aboriginal Relics

Upon discovery of any additional Aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 within the subject site, the developer shall immediately notify the Office of Environment & Heritage (OEH) and the Jali Local Aboriginal Land Council and shall cease works within the vicinity thereof until such time as the consent from the OEH is obtained for the destruction, removal or protection thereof and the developer has complied with the direction of the OEH in that respect.

1.4 Dedication and Maintenance of Nominated Parks

All areas nominated as reserves/open spaces shown on the approved plan (with the exception of Proposed Lot 635 – DR4) are to be dedicated to Council at no cost. The dedication of the land is to occur after the Developer has submitted to and received approval from Council's Manager of Open Spaces and Resource Recovery Section for a Maintenance Plan which is to be carried out by the Developer. The Maintenance Plan is to ensure that the subject reserve/open space is to be maintained from the date of plan registration for a period of twelve months, by the applicant/developer in accordance with Council's requirements, and the requirements of this consent.

1.5 Indicative Details

Road and lot layouts shown on Lot 443, building envelopes and areas nominated as 'future development' are indicative only and do not form part of this consent.

1.6 Pool Fencing

Any excavation in close proximity to the property boundary that will necessitate the removal of any fencing acting as a pool barrier, requires the installation of temporary fencing restricting the access to the swimming pool. The subject temporary fencing must restrict access at all times and be installed in accordance with the requirements of the Swimming Pools Act 1992, National Construction Code and Australian Standard 1926.1. The temporary fencing is not to be removed until permanent compliant swimming pool barrier fencing is installed.

1.7 Bushfire Safety Authority

The proposed development shall comply with the General Terms of Approval outlined in the NSW Rural Fire Service Bush Fire Safety Authority, issued 31 July 2018 (refer to Schedule 2).

1.8 Transfer of Land (Pump Station)

Within three months following the registration of the subdivision plan which creates the first lots that are serviced by the proposed sewer pump station, the Developer shall transfer the designated pump station lot to Council at a nominal fee of one dollar. This is to ensure the sewer pump station (critical asset) is located on a single lot of land owned by Council.

2 PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with prior to the issue of any Construction Certificate relating to the approved development.

2.1 Wetland Rehabilitation and Monitoring Plan Implementation

The approved Wetland Rehabilitation and Monitoring Plan (WRMP) is to be implemented to the satisfaction of Council's Development and Environmental Health Group (DEHG) prior to the issuing of any Construction Certificate for the project.

2.2 Civil Works

Prior to the issue of any Construction Certificate, engineering design drawings and a completed certification Report as set out in Annexure DQS-A of the manuals shall be submitted to and approved by Council for civil/subdivision works required by this consent. The drawings shall also include associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993.

Designs and details are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals (NRLGDDCM), as amended. Where civil/subdivision works are not covered by the NRLGDDCM or where specifically specified, designs shall be in accordance with appropriate design requirements from Austroads, Australian Standards, Roads & Maritime Services or other recognised authority acceptable to Council. For any civil/subdivision works not covered by the requirements of the NRLGDDCM, the Construction Certificate drawings for these works must be accompanied by a design report referencing design standards relied on, and a construction specification which must include construction inspection milestones, testing requirements/acceptance criteria and acceptable construction dimensional tolerances.

The submitted engineering design drawings must be accompanied by a Safety in Design Report in accordance with Clause 295 of the Work Health and Safety Regulation 2011 that also addresses Clauses 61 and 64 of the regulation and the Safe Work Australia "Safe Design of Structures Code of Practice - July 2012".

The delivery of major civil infrastructure is to be generally accordance with the sequencing outlined in the Knobel Consulting, Earthworks Staging Plan, P049, Issue D (Council Doc #18/48321) or otherwise agreed to by Council.

Major civil infrastructure to be delivered during Stage 1A of the development includes:

- The Coast Road Roundabout that provides access to the development site.
- Realignment of Headlands Drive/road one
- Underpass of the realigned Headlands Drive
- Sewer pump station
- Gravity sewer trunk main
- Sewer rising main
- Decommissioning the redundant portion of Headlands Drive
- Relocation of the existing water supply trunk main.

2.3 Shared Footpath / Cycleway

A minimum 2.5 metre wide concrete shared footpath/cycleway shall be provided in accordance with the Knobel Consulting Preliminary Roadworks Layout plan, P024, issue H (Council doc # 18/48353) and constructed progressively to suit the staging of the development.

The shared footpath / cycleway shall be designed and constructed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 Bicycles and Standard Drawing R-07 of Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by The Principal Certifying Authority prior to the issue of the Construction Certificate for each relevant stage.

2.4 Underpass, Headlands Drive - Stage 1A

The underpass under realigned Headland Drive shall achieve the following minimum requirements.

- Approach grades in accordance with AS1428.1 and AS 1428.2
- Vandal proof lighting in accordance with AS/NZS 1158.3.1:2005, Pedestrians area (category P) lighting
- A minimum vertical clearance of 2.5 metres

Design plans are to be submitted to and approved by The Principal Authority prior to the issue of the Construction Certificate for Stage 1A of the development.

2.5 Redundant Road – Headlands Drive

The existing section of Headlands Drive, made redundant as a result of the proposed road realignment through the new subdivision, shall be prepared for conversion to a public carpark, including the provision for access via Headlands Drive and suitable landscaping. The access to this area off Headlands Drive shall be modified to a kerb and gutter crossing. The intersection off Headlands Drive and The Coast Road shall be decommissioned and removed including all associated signage, medians, line marking and lighting. Design plans and landscape treatments shall be submitted to and approved by Council prior the issue of the Section 138 approval for Stage 1A. The approved works are to be undertaken by the developer and at no cost to Council.

2.6 Sharpes Beach Servicing

As part of the construction works for the roundabout on The Coast Road install conduits only for sewer, power and reticulated water to allow Council to provide for future servicing of the Sharpes Beach car park. Design plans are to be submitted to and approved by Council as part of the S138 application for The Coast Road roundabout.

2.7 Footpath

A minimum 1.35 metre wide concrete footpath network shall be constructed within the road verge in accordance with the Knobel Consulting Preliminary Roadworks Layout plan, P024, issue G and constructed progressively to suit the staging of the development.

The footpaths are to be designed and constructed in accordance with Standard Drawing R-07 of Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by The Principal Certifying Authority prior to the issue of the Construction Certificate.

2.8 Footpath to Southern Bus Setdown area – Stage 1A

A minimum 1.35 metre wide concrete footpath shall be constructed connecting the south eastern pedestrian pram ramp at the roundabout to the southern bus set down area on the Coast Road.

The footpaths are to be designed and constructed in accordance with Standard Drawing R-07 of Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by The Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1A of the development.

2.9 Road Naming

Prior to the issue of a Construction Certificate for each stage in the development, the Developer must submit for Council's approval a list of proposed road names for all new roads and/or bridges created as a result that stage of the development. The Developer must give consideration to the requirements of Council's policy for the 'Naming of Roads & Bridges' and be in accordance with the Geographical Names Board of New South Wales document, "NSW Road Naming Policy".

2.10 Roundabout – Headlands Drive/Road One – Stage 1A

The roundabout proposed on the realigned Headlands Drive distributor road that provides the main access to the development shall have an internal radius of 10m in accordance with the Austroad Guide to Road Design, Part 4B, Roundabout. Engineering design drawings must be submitted to and approved by The Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1A of the development.

2.11 Temporary Road Works

Temporary turnaround facilities shall be provided at the appropriate stage boundaries of the road network. Such turnaround facilities shall include a single coat spray seal or otherwise approved by Council's Engineer and obstruction marker signs (D4-5 AS 1742.1-2003) at the termination points. Details are to be included on the engineering design plans submitted prior to the issue of the Construction Certificate for the relevant stage of the development

2.12 Vehicular Access

Where the gradient slope of any allotment is 1 in 6 or steeper, the Developer shall be required to demonstrate that reasonable driveway access opportunities can be provided in accordance with Northern Rivers Local Government Standard Drawing R06 and AS 2890.1. The Developer may be required to undertake construction of driveway accesses to the satisfaction of Council's Engineer, particularly when the demonstrated access is shown at the maximum gradient permitted. Details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for each stage of the development.

2.13 Vehicular Access

Where lots have an infiltration trench in their sole street frontage a driveway crossover shall be constructed in accordance with Northern River Local Government Standard Drawing R05 and AS 2890.1. Details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for each stage of the development.

2.14 Footpath and Gutter Crossing Lot 207

An access driveway for lot 207 shall be provided by the Developer. Details are to be in accordance with Standard Drawing R06 of Northern Rivers Local Government Development Design and Construction Manuals and must demonstrate that the driveway is clear of the nominated Tree Protection Zones for the adjacent Norfolk Pines. Details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for Stage 1B.

2.15 Bus Stops

Bus stops with shelters and "hail and ride" J poles shall be provided at approximately 400m intervals within the development. All bus shelters shall contain a seat with handrails, provision for a wheel chair and tactile marking in accordance with the requirements of AS 1428.4. Details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for each stage of the development.

2.16 Pathway Corridors

Bollards and/or U-rails must be installed within public reserve corridors for pedestrian safety and to prevent unauthorised vehicular access. U-rails are required on concrete pathways and bollards are required on grassed and landscaped areas adjoining the pathway. Details are to be submitted to and approved by Council prior to issue of the Construction Certificate for each stage of the development.

2.17 Stormwater Management Plan

The provision of stormwater controls on-site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 - Stormwater Management and generally in accordance with the Site Stormwater Management Plans by Knobel Consulting, Conceptual Stormwater Quality and Quantity Management Plan, Eastern Catchment, dated 12 September 2018 (Council doc #18/69422) and Conceptual Stormwater Quality and Quantity Management Plan, Western Catchment, dated 10 October 2018. A detailed Stormwater Management Plan, including overland flow paths, must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1A of the development.

The detailed Stormwater Management Plan shall need to consider both the construction and operational phases of the development. The plan shall include but not be limited to the following:

- The water quality performance targets to be achieved.
- The proposed treatment system for each stage of the development.
- The proposed water quality testing regime and frequency of site inspections.
- The reporting requirements to Council.

2.18 Stormwater Detention Devices, Coastal Buffer Stage 2 Bulk Earthworks

The detention berms contained in PR1 (Lot 347) shall be constructed during Stage 2 bulk earthworks. No excavation works shall be undertaken within 20 metres of the Norfolk Island Pine trees to be retained along the eastern boundary of Lot 347. Details shall be included in the stormwater management plan provided prior to the issue of the Construction Certificate for the bulk earthworks.

2.19 Roadsides Swales

All grassed swales and infiltration trenches that do not have residential frontages shall have a maximum batter of 1:4. Details shall be included in the stormwater management plan provided prior to the issue of the Construction Certificate for the relevant stage of the development.

2.20 Stormwater Treatment Assets Access

Stormwater treatment assets shall be designed and constructed to the approval of the Principal Certifying Authority. Provision shall be made for all weather vehicular access and vehicle turning facilities to each bio retention area located on Lot 347, and all weather vehicular access to the level spreaders on Lots 160, 349, and 444.

Access to the bio retention areas on Lot 347 may be constructed using reinforced turfed cells or similar to maintain the aesthetics of the area, provided they are designed to accommodate a 12 tonne truck. The access track alignments shall be located by survey and supplied to Council for future reference. A detailed design must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for the each stage of the development.

2.21 Stormwater

At the expense of the Developer, an inter-allotment drainage system shall be provided within the proposed development in accordance with the minimum requirements of the Northern Rivers Local Government Development Design and Construction Manuals. Engineering design drawings must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate for each stage of the development.

2.22 Kerb Stormwater Outlet

Galvanised steel RHS Kerb and gutter drainage adaptors are to be installed on the low side of each lot in accordance with Standard Drawing R08 of the Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

2.23 Flooding

Prior to the issue of a Construction Certificate for each stage of the development, the developer shall demonstrate to the satisfaction of Principal Certifying Authority that the development has been designed such that the flood protection measures for the site (as they relate to the relevant stage) are consistent with the relevant floodplain management policies and plans of the Council as in force at the time of the issue of this consent.

At the time of this consent, the relevant Council flood plan is the Ballina Shire Development Control Plan 2012, Chapter 2b – Floodplain Management and the required minimum fill level is 2.3m AHD.

2.24 Water Connection (dual reticulation)

The Developer shall be responsible for the design and construction of a dual water supply system for both drinking water and recycled water that services each lot within the proposed development and complies with Ballina Shire Council's Dual Water supply Plumbing Policy.

The design shall be generally in accordance with the Planit Engineering, Sewer and Water Servicing Report dated October 2017 (Council Doc number 17/92543) and shall comply with the minimum requirements of the Northern Rivers Local Government Development Design and Construction Manuals (as current at the time of construction commencing). Design plans are to be approved by Council prior to the issue of the Construction Certificate for each stage of the development

2.25 Sewer

Sewer gravity mains are not to exceed a final design depth of 3.0 m unless identified by Planit Consulting plans, Sewer Servicing, Gravity Trunk Sewer Depthing Layout sheets 1 & 2, Dwg numbers 0111 and 0112, Rev A. Sewer mains identified by these plans are to be constructed of HDPE, PE 100, PN 16 SDR11 fusion welded pipe. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate.

2.26 Sewer (reticulation)

Council's sewer reticulation network shall be extended to service each lot within the proposed development (excluding the cost of any works identified within the Ballina Shire Development Servicing Plan 'Wastewater and Recycled Water Supply Infrastructure').

The design shall be generally in accordance with the Planit Engineering, Sewer and Water Servicing Report dated October 2017 (Council Doc number 17/92543) and shall comply with the minimum requirements of the Northern Rivers Local Government *Development Design and Construction Manuals* (as current at the time of construction commencing). Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate for each stage of the development.

2.27 Sewer (pump station)

Sewage pump station designs must comply with the requirements of the Northern Rivers Local Government *Development Design and Construction Manuals* and also the following minimum requirements:

- Be designed for a well capacity of 8 hours ADWF including temporary pump station locations.
- Be controlled by multitrode level controls with cabinet details to the requirements of Council's Development Engineer.
- Include monetary payment to Council for the installation of telemetry to the requirements of Council's Sewerage Engineer (this payment is based on Council's current installation cost and is reviewed annually by Council's Sewer Engineer).
- Be supplied with dual pumps installed in the pump station of which one is a standby pump prior to the release of the Subdivision Certificate.
- Be provided with an access and turnaround area consisting of a minimum standard of 300 mm DGB20 gravel pavement with a 25 mm AC10 wearing surface.
- Be provided with a water service including water meter and back flow prevention.
- Be designed such that a minimum freeboard of 150 mm is provided at the well entry point to prevent infiltration from the surrounding catchment.

2.28 Neighbourhood Park Stage 1C

The Neighbourhood Park (Lot 348) shall be embellished generally in accordance with the Landsite, Local Park Concept Plan, dated October 2017. The final design shall meet the following requirements

- a. The entire reserve area must be free of all weeds.
- b. The final vegetation species must be approved by Council.
- c. All grass areas within the reserve must include A Grade Wintergreen Couch with 100% ground cover and be free of rocks and weeds.
- d. Grassed areas must have an even ground surface and a maximum grade of 1:6 with transition batters no steeper than 1:4.
- e. All grassed areas must be maintainable and accessible safely by a ride on mower.

- f. The playground area must have an even ground surface and a maximum grade of 3%, unless otherwise approved by Council.
- g. The playground must be at least 100m² in size, provided with multi play equipment, soft fall and shade structure achieving compliance with the relevant and current Australian Standards and be constructed in accordance with the manufacturer's requirements.
- h. The playground facilities must be designed to facilitate use by a range of age groups.
- i. Paving must be graded to direct stormwater to the piped drainage system and prevent localised pooling of water.
- j. New trees with a mature height greater than five metres must not be located within five metres of any private property boundary.
- k. Three picnic shelters with picnic table settings
- l. Two stainless steel electric barbeque facilities must be provided with componentry matching Council's current public barbeque componentry. These facilities must be constructed to current Australian Standards and installed in compliance with the manufacturer's requirements.
- m. A metered tap must be provided in close proximity to all barbeque units. Taps must be fitted with anti-vandal capping and the tap located in a sub-surface pit.
- n. One stainless steel metered water bubbler (drinking fountain) must be provided within the park in close proximity to the barbeque unit. The bubbler must provide for water bottle filling, drinking fountain, dog bowl, shut off valve in pit, connection to the water mains, 1m³ absorption pit, placed on a separate 2m x 2m concrete slab, be wheel chair compliant and accessible via a wheelchair compliant footpath system.
- o. At least 20 large canopy shade trees shall be provided (with expected mature of size of at least 5m x 5m) within and around the picnic area;
- p. All wheelchair ramps must meet Australian Standard AS1428 and be no steeper than 1 in 14.
- q. A bicycle rack capable of housing a minimum of five bikes must be provided within the park. The bicycle rack must be compliant with AS2890.3.
- r. All structures on the public reserve (e.g. arbour structures, art structures, shade structures, etc.) must be certified by a structural engineer, meet the relevant and current Australian Standards and Australian Building Codes and be installed in accordance with the manufacturer's requirements where a proprietary product is used.
- s. All paving and pathways must be constructed from non-slip surfacing and meet the relevant and current Australian Standards.
- t. Public art is to be permanent and durable.

Detailed plans demonstrating the above requirements are required to be submitted to and approved by Council (as the future landowner of the Neighbourhood Park) prior to the issue of the Construction Certificate for Stage 1C of the development.

2.29 Eastern Boundary Fence

A fence along the eastern boundary of the expansion area is to be retained/constructed along the entire frontage except for a distance of 300m from the

Headlands Drive property boundary where a landscaped edge is to be provided to establish a suitable pedestrian barrier to the Coast Road. In this regard, the existing farm fence may be retained, provided the barb-wire is removed and the fence is to be re-wired with standard wire (not barb-wire). Alternatively, the fence may be removed and replaced with a new fence which is designed to maintain the rural nature and general amenity of the area and provide an appropriate barrier to the Coast Road. Details are to be provided to Council for approval prior to the issue of a Construction Certificate for Stage 1C.

2.30 Reserve DR3 - Stage 1D

The proposed embellishment of DR3 to include open space facilities such as a “kick-about-area” and referred to as a ‘Western Local Park’ is not supported as part of this application and is to be removed from the landscape plans submitted prior to the issue of the Construction Certificate for Stage 1D. The area is to be landscaped and embellished as a drainage reserve (and not a public park).

2.31 Public Art

The approved development must include permanent and durable public art to the value of at least \$15,000 as an integral part of the development of the Neighbourhood Park (Lot 347). Details of the nature of the work/s (e.g. fountain, statue, mosaic etc.) must show its approximate location and size and demonstrate how the proposed public art addresses the following Design Selection Criteria:

- Standards of excellence and innovation;
- Relevance and appropriateness of the work in relation to its site;
- Relevance and appropriateness of the work to Ballina Shire;
- Consistency with current planning, heritage and environmental policies and plans of management;
- Consideration for public safety and the public’s use of and access to the public space;
- Consideration of maintenance and durability requirements, including potential for vandalism;
- Evidence of appropriate Public Liability Insurance to cover construction and installation of the work.

Details including plans of the proposed public art are to be submitted to and approved by Council (as future landowner) prior to the issue of the Construction Certificate for Stage 1C.

2.32 Landscape Plan - Stage 1C & 1F

A detailed landscape plan for Stage 1C & 1F of the development must be prepared by a person competent in the field and is to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate for the relevant stage. The plan shall make due provision for the overland flow paths required in the detailed stormwater management plan that conveys stormwater to the northern detention/treatment area.

The landscape plan shall show the mature height, location, quantity and species of all plantings and should also give details of soil conditions and the planting and maintenance program. The landscape plan and selection of appropriate plants shall

be made generally in accordance with the Council's Development Control Plan Chapter 3 – Urban Subdivision and the *Ballina Shire Urban Garden Guide*.

2.33 Central Local Park – Stage 1D (Lot 442)

The central local park is to provide seating, a shelter with two picnic tables, and BBQ. The final design shall meet the following requirements:

- a. Vegetation in the bio retention pond must be densely planted to achieve 95% density groundcover coverage prior to handover of the reserve to Council.
- b. The entire reserve area must be free of all weeds.
- c. All grass areas within the reserve must include A-Grade Wintergreen Couch with 100% ground cover and be free of rocks and weeds.
- d. Grassed areas must have an even ground surface and a maximum grade of 1:6 with transition batters no steeper than 1:4.
- e. All grassed areas must be maintainable and accessible safely by a ride on mower.
- f. Paving must be graded to direct stormwater to the piped drainage system and prevent localised pooling of water.
- g. Any new trees with a mature height greater than five metres must not be located within five metres of any private property boundary.
- h. Stainless steel electric barbeque facilities must be provided with componentry matching Council's current public barbeque componentry. These facilities must be constructed to current Australian Standards and installed in compliance with the manufacturer's requirements.
- i. A metered tap must be provided in close proximity to all barbeque units. Taps must be fitted with anti-vandal capping and the tap located in a sub-surface pit.
- j. One stainless steel metered water bubbler (drinking fountain) must be provided within the park in close proximity to the barbeque unit. The bubbler must provide for water bottle filling, drinking fountain, dog bowl, shut off valve in pit, connection to the water mains, 1m³ absorption pit, placed on a separate 2m x 2m concrete slab, be wheel chair compliant and accessible via a wheelchair compliant footpath system.
- k. A bicycle rack capable of housing a minimum of five bikes must be provided within the park. The bicycle rack must be compliant with AS2890.3.
- l. All structures on the public reserve (e.g. arbour structures, art structures, shade structures, etc.) must be certified by a structural engineer, meet the relevant and current Australian Standards and Australian Building Codes and be installed in accordance with the manufacturer's requirements where a proprietary product is used.
- m. All paving and pathways must be constructed from non-slip surfacing and meet the relevant and current Australian Standards.
- n. Batters to the bioretention basin are to be a maximum of 1:4 and planted (not turfed)

Detailed plans demonstrating the above requirements are required to be submitted to and approved by Council (as the future landowner of the Central Park) prior to the issue of the Construction Certificate for 1D of the development.

2.34 Landscape Plan Stage 1D

A detailed landscape plan, for Stage 1D, of the development prepared by a person competent in the field is to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. The plan shall make due provision for the shaping and grading of the reserve corridor to the west to ensure that suitable overland flow path from the bio retention basin is provided.

The landscape plan shall show the mature height, location, quantity and species of all plantings and should also give details of soil conditions and the planting and maintenance program. The landscape plan and selection of appropriate plants shall be made generally in accordance with the Council's Development Control Plan Chapter 3 – Urban Subdivision and the *Ballina Shire Urban Garden Guide* and have regard for approved *Typical Bio-retention Basin Details Plan*, dated 26 Oct 2018 (issue F).

2.35 Tree Protection Stage 1B & Bulk Earthworks

For works within the vicinity of the Norfolk Pines D, E and F (as referred to by the Arboricultural Impact Assessment, dated 01 November 2017, council doc # 18/48344) the following tree protection measures apply.

- No excavation is permitted within the nominated tree protection zones.
- No bulk earthworks cut is permitted on the northern side of Road 4
- No services or trenching is permitted on the north side of Road 4
- Excavation for the construction of Road 4 is restricted to a maximum allowable cut of 200mm from natural surface
- All excavation works are to be supervised by an AQF Level 5 Arborist
- Any tree roots requiring removal is to be performed by the supervising arborist.

Design plans shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1B.

2.36 Western Shared Path

Boardwalks and lookout decks proposed along the western shared path shall be constructed from fibre reinforced polymer products and stainless steel fittings consistent with materials used in the nearby Coastal Recreation Path. Raised structures must be certified by a structural engineer, meet the relevant and current Australian Standards and Australian Building Codes and be installed in accordance with the manufacturer's requirements where a proprietary product is used. Safety fencing must be provided along the top of all structures in accordance with the requirements of the Austroads Guide to Road Design Part 6A Pedestrian and Cyclist Paths 2017.

The board walk is to be located entirely on Council's reserve. This is to be achieved by reshaping/realigning drainage reserve DR1 (Lot 160) to include the proposed boardwalk route. Details must be submitted to and approved by Council prior to issue of the Construction Certificate for Stage 1A of the development.

2.37 Open Spaces and Reserves Signage

The Developer shall be responsible for the installation of signs within all public reserve areas of the development, including but not limited to reserve name signs,

regulatory\compliance signs, risk management signs. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate for each stage of the development.

2.38 Landscape plan for Public Roads

A landscape plan for public roads must be prepared by a person competent in the field and submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate for each stage of the development. The plan shall show the mature height, location, quantity and species of all plantings and should also give details of soil conditions and the planting and maintenance program. The landscape plan and selection of appropriate plants shall be made generally in accordance with the Council's Development Control Plan Chapter 3 – Urban Subdivision and the *Ballina Shire Urban Garden Guide* for each stage.

2.39 Non Mowable Batters

Ground slopes and batters within public land must be no steeper than 1V:4H unless otherwise approved by Council. Where approved, all batters and slopes proposed in any Council reserves that are greater than 1V:4H shall be densely planted with a groundcover approved by Council. Council will not accept the handover of the reserve until a 90% coverage is achieved that is weed free. The plant species, densities, and maintenance program shall be included in the landscape plan and approved by Council prior to the issue of the Construction Certificate for each stage in the development.

2.40 Street Lighting

The Developer shall be responsible for the design and installation of public street lighting. All street lighting within the development must be designed in accordance with AS / NZS 1158 and based on the installation of Country Energy Style 1 lanterns fitted with light emitting diode street lights for category P areas. Engineering design plans and specifications must be submitted to and approved by the Principal Certifying Authority. All works must be completed and commissioned prior to the release of the Subdivision Certificate.

2.41 Electricity Supply

The Developer shall be responsible for all costs associated with the connection of underground reticulated electricity to each lot within the development. Design plans are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

2.42 Broadband Service

At the expense of the Developer and in accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer is required to install a fibre ready, pit and pipe network (including trenching, design and third party certification) to NBN Co's specifications to allow for the installation of 'fibre to the home' (FTTH) broadband services. Certified design drawings must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

2.43 Civil Inspection Fee, Civil Construction Certificate Fee & Construction Bond

Prior to the issue of a Civil Construction Certificate for the relevant stage of the development, a Civil Construction Certificate application is to be made as well as the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent till time of payment see Council's schedule of Fees and Charges for the current rates:

- Civil Construction Certificate Fee
- Civil Inspection Fee

2.44 Civil Inspection Fee, Section 138 Approval Fee & Construction Bond

Prior to the issue of a Construction Certificate for the relevant stage of the development, a Section 138 application is to be made and approval obtained from Council. The following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent till time of payment see Council's schedule of Fees and Charges for the current rates:

- Section 138 Fee
- Civil Inspection Fee

2.45 Asset Listing

The Construction Certificate application for subdivision works in all stages shall be accompanied by an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.

2.46 Redundant Infrastructure

All existing sewer and stormwater infrastructure made redundant as a result of the development shall be decommissioned and completely removed from the site. Engineering design drawings must be submitted to and approved by Council prior to the issue of the Construction Certificate.

2.47 Retaining walls

All retaining walls to be located on Council land (i.e. road reserves) must be designed as single face block retaining walls (tiered walls are not permitted), be constructed from concrete/masonry blocks/sleepers or alternative material approved by Council, with flush face and minimum void spaces between the blocks to avoid weed growth and vermin infestation, must contain fencing adequate to reduce the risk of persons falling from the wall and where the retaining wall creates the hazard that an errant vehicle could drive off the wall, the road reserve must contain a road safety barrier designed in accordance with the Austroads Design Guidelines. This assessment must consider Council maintenance vehicles used to mow the road verge. Vehicle safety barriers must be provided along the top of all retaining wall structures or wherever level changes occur in the reserve, where maintenance vehicles are required to mow within five metres of the wall/level change.

2.48 Retaining Wall Design and Certification

All retaining wall structures within the development must be designed in accordance with the following requirements:

- Retaining walls to be designed in accordance with AS 4678-2002.
- Designs are to consider all the applicable limit states defined in Section 3 of AS 4678-2002. Design loads are to be in accordance with Section 4 of the standard. Earthquake loads are to be provided for in accordance with Appendix I of the standard.
- Definition - "combined height" is defined in this condition as the sum of the heights of retaining walls that are individually horizontally staggered by less than 3.0m between top of lower wall and bottom of higher wall
- Structure Classification AS 4678 - 2002, Table 1.1. - Retaining walls with combined height of >1.5m and < 2.5m are, as a minimum, are to be designed as Class B; Retaining walls with combined height of >1.0m and < 1.5m that support services are, as a minimum, to be designed as Class B; Retaining walls with combined height equal to or >2.5m are, as a minimum, to be designed as Class C.
- Site investigation is to be in accordance with Section 2 of AS 4678-2002.
- The retaining wall design is to have regard to the informative Appendix G Drainage of Earth-Retaining Structures of AS 4678-2002.
- The design and associated drawings are to specify maximum loads (at specified distance from walls) that may be placed on land supported by the retaining walls and/or whether there need to be restrictions on loads that would preclude placement of swimming pools or other structures in the vicinity.
- The design and associated drawings are to specify the limits of future excavation forward (i.e. on the low side) of retaining wall footings that could compromise the structural integrity of the retaining walls.
- Fully detailed (position, levels, dimensions, alignment, drainage) and notated drawings are to be provided for each individual retaining wall and retaining wall group. Drawing details are also to comply with Section 6.3 of AS 4678. A specification is to be provided with the Construction Certificate application for materials to be used and construction details (including foundation preparation, backfilling, drainage etc.) of the retaining walls.
- A retaining wall design report must accompany the Construction Certificate Application. The design report is to address AS 4678-2002 and the matters referred to in this condition.
- Certification is required with the Construction Certificate application, from a registered certified practicing engineer, competent in the field of retaining wall design and familiar with the geotechnical aspects of the project; that the retaining walls depicted in the Construction Certificate drawings and the associated Design Report, comply with the requirements of AS 4678-2002 and the design requirements of this condition.

Details must be submitted to and approved by Council prior to the issue of the Construction Certificate for each relevant stage of the development.

2.49 Retaining Walls and Services

Where retaining walls are located adjacent to water and drainage pipelines the walls must be designed such that they will be structurally self-supporting when excavation is required to the invert level of the adjoining pipeline or otherwise will sufficient distance that the retaining wall is beyond the zone of influence of the pipeline.

Engineering design drawings and structural certification must be submitted to and approved by Council prior to the issue of the Construction Certificate.

2.50 Construction Environmental Management Plan

A Construction Environmental Management Plan (CEMP) must be submitted to and be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the CEMP must also be submitted to Council prior to the issue of a Construction Certificate. The CEMP must address, but not be limited to the following matters:

- Hours of work which addresses traffic management during peak/school zone periods.
- Contact details of site manager & project liaison officer
- Complaints management register
- Location of existing services
- Traffic Management (Vehicles, pedestrians and cyclists)
- Flora & fauna management (including location of no-go fencing)
- Construction staging plan (where the works will be completed in stages)
- Restoration of damage to public assets
- Noise and vibration
- Dust - Air quality management plan (include escalation protocols and triggers)
- Materials storage and waste management including classification and disposal/reuse location of any fill material to leave the development site
- Stormwater Management Plan (including erosion and sediment control)
- An unexpected finds protocol to appropriately manage unexpected potential contamination issues encountered during works.

Note: No construction access is permitted off The Coast Road. All construction access should occur via Headlands Drive.

2.51 Air Quality/Dust Management Plan

The required Air Quality/Dust Management Plan must form part of the CEMP. This Plan must show the locations of all potentially affected properties and residences on a map and provide details of air quality control measures to be undertaken during construction, including:

- Potential sources and impacts of dust.
- Air and dust management objectives consistent with relevant legislation, guidelines and standards.
- A monitoring program to assess compliance with the identified objectives.
- Mitigation measures to be implemented including wetting of exposed surfaces from a water truck and measures during weather conditions where high dust episodes are likely (such as strong winds in dry weather).
- A progressive stabilisation/rehabilitation strategy for disturbed surfaces with the aim of minimising exposed surfaces.
- Contingency plans to be implemented in the event of non-compliances and/or complaints about dust.
- Procedures for regularly reviewing the effectiveness of the Air Quality/Dust Management Plan.
- A 2.0m high dust fence must be constructed and adequately maintained along the boundary to existing residents.
- All construction activities that generate dust shall cease when average wind speeds exceed 10m/s (36 km/h) or when existing dust suppression methods

are ineffective. The Developer shall be responsible for the monitoring of on-site wind speeds and be able to produce this data to the PCA and Council on request.

- The generation of dust during construction works must be minimised to prevent construction activities from causing air quality impacts that are hazardous or a nuisance to sensitive receivers.

2.52 Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.

Soil erosion and sediment control measures are to include but not be limited to the following:

- An all-weather construction access, including a truck wheel wash, must be provided on the site. All construction vehicles are to enter and exit the site via this access so as to minimise erosion on site and prevent the movement of soil material onto surrounding roadways. When necessary, roadways shall be swept and all drains and gutters cleaned of sediment material.
- Disturbed exposed areas must be stabilised via seeding, hydro-mulched or other adequate stabilisation method immediately after completion of each work stage to protect the exposed area from water and wind erosion.
- Exposed surfaces including access pads and stockpiles must be regularly wetted to suppress dust generation. As a minimum at least one water truck must be available at the site at all times. Water sprays, sprinklers, dust suppression material such as hydromulch and covering of stockpiles must also be used when needed to prevent the emission of dust from the site.
- The transport of soil or similar material to and from the site must be covered to prevent the generation of dust and material leaving the vehicles.
- Daily inspections of all erosion, dust and sediment controls must be carried out to ensure they are adequately maintained. Inspections of all such controls must also be carried out prior to the onset of heavy rain.
- Any soil, mud or other material deposited on public roads associated with construction activities must be removed and disposed of appropriately to prevent stormwater pollution.
- Soil protection measures specifically for the bulk earthworks construction phase to ensure the protection of the Wetland Rehabilitation and Restoration Area located in the western portion of the development site.

2.53 Dilapidation Reports

Prior to the issue of a Construction Certificate for each stage of the development, the Developer shall engage a practising professional in the field to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing adjoining buildings, infrastructure and roads. The report shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report must also be forwarded to Council.

2.54 Schedule of Compliance

Prior to the issue of a Construction Certificate a Schedule of Compliance detailing how each “PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE” condition of consent has been complied with shall be submitted to the Principal Certifying Authority for approval at each stage of the development. A copy of each Schedule of Compliance is required to be submitted Council prior to issue of a Construction Certificate for each stage of the development.

2.55 Remediation of Land

Prior to the issue of a Construction Certificate a remedial action plan (RAP) and validation report (VR) for the dump area as identified in the *Detailed Site Investigation prepared by Douglas and Partners, dated May 2017* (Council Reference 17/41663) must be submitted to and be approved by Council's Environmental Health Officer. The RAP and VR must be prepared by a suitably qualified and experienced person in accordance with *State Environmental Planning Policy 55 Remediation of Land, NSW EPA Guidelines for Consultants Reporting on Contaminated Sites* and the *National Environment Protection Measure (Assessment of Site Contamination) Measure 1999 (2013)*.

2.56 Entomologist Certification

Prior to the issue of the first Construction Certificate a suitably qualified entomologist must certify that plantings proposed in the required 25m mosquito buffer by the landscape plan will not encourage the movement of mosquitoes between mosquito harbourage and breeding sites and residential lots.

2.57 Long Service Levy

In accordance with section 6.8 of the *Environmental Planning and Assessment Act 1979*, a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Levy Payments Act 1986* has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

2.58 Cultural Heritage

An Aboriginal Heritage Impact Permit (AHIP) must be obtained from the NSW Office of Environment and Heritage in accordance with the requirements of Schedule 3 of this consent. Approval is required to be provided to the Principal Certifying Authority and Council prior to the issue of the first Construction Certificate for the development.

2.59 Controlled Activity Approval

A Controlled Activity Approval must be obtained from DPI Water, in accordance with the requirements of Schedule 4 of this consent. A copy of the Controlled Activity Approval is required to be provided to the Principal Certifying Authority and Council prior to the issue of the first Construction Certificate for the development.

2.60 Project Liaison Officer

Prior to the issue of each Construction Certificate for the development, a Project Liaison Officer is to be appointed whose name and contact details are to be provided to Council. The Project Liaison Officer shall act as a single point of contact for Council, Government Authorities and the general public in relation to any issues that arise in relation to the project generally.

2.61 Sewer Pump Station Site

Details of the lot designated for the future provision of a sewer pump station site and a signed agreement to transfer the lot to Council at no cost to Council shall be submitted to and approved by Council prior to the release of the Construction Certificate for Stage 1A.

2.62 Public Reserves

Details of the lots to be dedicated as public reserve shall be submitted to and approved by Council prior to the release of the Construction Certificate for the relevant stage.

2.63 Maintenance of Hydrological Paths from SEPP 14 Wetland No. 91(a)

To ensure the hydrological flow paths from SEPP 14 Wetland No. 91(a) are maintained, the Developer is to replace the existing farm culverts located along the route of the proposed sewer rising main and recycled water main as depicted in the "DA Servicing Plan Drawing 0106 Revision D" and dated 5/7/18 as contained within the document titled "Intrapac Skennars Sewer and Water DA Servicing Plans" prepared by PLANIT. The replacement culverts are to be of the same capacity and at the same invert level as the existing culverts. Details are to be submitted to and approved by the Principal Certifying Authority as part of the Construction Certificate for Stage 1A.

2.64 On-lot Infiltration Devices

All on-lot infiltration devices proposed by the Knobel Consulting Plan, Stormwater Quality Catchment Plan (Eastern Catchment) Sheet 1 of 2, Dwg P056 Issue B, dated 9/10/18 shall be constructed by the Developer. Details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate for each stage of the development.

3 PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with prior to commencement of construction works (including bulk earthworks) relating to the approved development.

3.1 Notice of Commencement of Civil Works

Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy

of their \$20M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.

3.2 Traffic Control

All traffic control shall be in accordance with the Roads and Maritime Services "Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.

3.3 Vegetation and Fauna Management

All vegetation and/or trees to be retained and/or areas to be subjected to restoration works which immediately adjoin any construction areas are to be protected with temporary "No Go" fencing as required by an approved plan. All "No Go" fencing is to be established a minimum of 1 metre outside of the identified restoration area and/or root protection zone areas and/or drip line zone, whichever is greater. Signage depicting the purpose of the fencing is to be installed on the fence. All construction plans for the project are to identify the location and the purpose of the "No Go" fencing. The developer is to advise Council when the "No Go" fencing has been established.

4 DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with during the course of carrying out the construction works (including bulk earthworks) relating to the approved development.

4.1 Construction

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

4.2 Pollution Prevention

Clean up equipment including suitable absorbent material shall be available on site to effectively deal with liquid contaminants such as oils and chemical spills.

4.3 Construction Vehicles

Vehicles servicing the development (including deliveries and waste collection) shall not park and or wait in the surrounding residential areas prior to 7.00am or after 6.00pm Monday to Fridays and prior to 8.00am or after 1.00pm Saturdays.

4.4 Acid Sulfate Soils Management

All excavation and dewatering activities must comply with Acid Sulfate Soils Management Plan prepared by Douglas Partner, dated November 2017 (Council Reference 17/92569).

4.5 Potential Land Contamination

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.

4.6 Noise Control (Construction)

All work, including demolition, excavation and building work must comply with Australian Standard AS 2436:1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites* and *NSW Interim Construction Noise Guidelines* (DECC 2009).

4.7 Complaints Management

The Complaints Management Plan and Register must include:

- A telephone number on which complaints and enquiries about construction and operation activities may be registered.
- A postal address to which written complaints and enquiries may be sent.
- An email address to which electronic complaints and enquiries may be sent.
- Information on all complaints received, including the means by which they were addressed and whether resolution was reached

The information contained within the Plan must be made available to the PCA and Council upon request.

4.8 Export/import of Waste

The export/import of waste (including fill or soil) to and from the site must be in accordance with:

- the provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or
- current Resource Recovery Orders and Exemptions.

Any sampling, analysis and reports required by the above provisions must be carried out by a suitably qualified and experienced person.

4.9 Waste Material

Any waste-derived material, the subject of a resource recovery order and exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption and order conditions and must be provided to the Principal Certifying Authority or the Council upon request.

4.10 Construction Environmental Management Plan

During construction, the developer shall comply with the requirements of the approved Construction Environmental Management Plan. To the extent of any inconsistency between the plan and the conditions of this consent, the conditions shall prevail.

4.11 Civil Works

All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals (as current at the time of construction works commencing) and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified. Inspections and approval of the road, drainage, water & sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual.

4.12 Traffic Control

All traffic control during construction shall be in accordance with the Roads and Maritime Services - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified to "Apply Traffic Control Plans" (Yellow Card).

4.13 Implement Stormwater Management Plan

The Developer shall implement the Stormwater Management Plans approved as part of the development application and the detailed designs approved as part of the Construction Certificate application.

The plans approved as part the development application are:

- Conceptual Stormwater Quality & Quantity Management Plan Western Catchment, prepared by Knobel Consulting, File No: K3395-0102-Rev C, dated 10 October 2018.
- Conceptual Stormwater Quality & Quantity Management Plan Eastern Catchment, prepared by Knobel Consulting, File No: K3395-0099-Rev E, dated 12 September 2018.

4.14 Flood Level

Where filling of the site is required to meet a minimum level nominated within Council's flood policy, the developer must submit a surveyor's certificate verifying compliance with this minimum fill level to the Principal Certifying Authority.

4.15 Damage to Council Infrastructure

Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 1300 864 444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

4.16 Dilapidation Reports

At the completion of construction of each stage of the development, the developer shall engage a practising professional in the field to prepare a post-construction dilapidation report detailing the structural condition of all existing adjoining buildings, infrastructure and roads. The report shall be submitted to the Certifying Authority prior to the issue of a Subdivision Certificate. Any damage identified by the pre and post-construction dilapidation reports as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition by the developer.

4.17 Public Liability Insurance

Prior to the commencement of the removal/pruning of any tree, a copy of the contractor's Public Liability Insurance Policy to the value of \$10 million shall be provided to Council.

4.18 Protection of Excavations & Fill

All excavations and backfilling associated with the erection or demolition of a building/structure must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

4.19 Excavation on Public Land

All excavations and backfilling on public land associated with the development must be executed in accordance with the appropriate safety standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life and property.

4.20 Earthworks and Filling

All earthworks and filling shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection and testing regime in accordance with Table 8.1 of the standard. Certification will be required from a suitably qualified practicing geotechnical engineer verifying that the site filling was completed in accordance with the Level 1 requirements and is suitable for building construction.

The earthworks and filling shall also be undertaken in accordance with any additional recommendations of the Geotechnical Investigation approved with the Construction Certificate and monitored by a Registered Geotechnical Testing Consultant.

4.21 Tree Protection - Stage 1B

For works within the vicinity of the Norfolk Pines 'D', 'E' and 'F' (as referred to in the Arboricultural Impact Assessment, dated 01 November 2017, council doc # 17/92613) the following tree protection measures apply:

- No excavation is permitted within the nominated tree protection zones
- No bulk earthworks cut is permitted on the northern side of road 4
- No services or trenching is permitted on the north side of road 4
- Excavation for the construction of Road 4 is restricted to a maximum allowable cut of 200mm from natural surface
- All road excavation works are to be supervised by an AQF Level 5 Arborist
- Any tree roots requiring removal is to be performed by the supervising arborist.

4.22 Tree Protection – Coast Road Norfolk Island Pine Trees

No earthworks shall be undertaken within 20 metres of the Norfolk Island Pine trees to be retained along the eastern boundary of Lot 347. The purpose of the buffer zone is to protect the vegetation's current and future Tree Protection Zones.

4.23 Tree Removal/Pruning

All approved tree removal and pruning works shall be undertaken in accordance with the following:

- All vegetation to be removed is to be clearly marked with flagging tape prior to the commencement of such works.
- All tree removal and pruning works are to be undertaken in accordance with Australian Standard AS 4373-2007.
- All vegetation removal is to be undertaken in a manner that ensures the ongoing integrity of retained vegetation and/or adjacent native plants. Any vegetation matter is to be removed from the site and disposed of in an appropriate manner.
- All vegetation removal and/or pruning is to be undertaken in a manner that ensures the ongoing integrity of the adjoining vegetation to be retained.
- All pruning activities are to conform to the Australian Standard as detailed in "Pruning of Amenity Trees". Pruning activities are to be conducted in a manner that ensures the ongoing environmental integrity of the area.
- A suitably qualified ecologist is required to be present on site during all vegetation removal works to inspect tree hollows and to rescue and relocate any fauna in accordance with approved animal care and ethics licencing.

4.24 Tree Protection Plan

Prior to the removal of any trees, a Tree Protection Plan is to be submitted to and approved by the Principal Certifying Authority, demonstrating methods of protection of trees to be retained during tree removal works. The Tree Protection Plan must:

- Be prepared in accordance with Australian Standard AS 4970: 2009 Protection of Trees on Development Sites;
- Demonstrate protection measures for protection of the root plate, trunk and crown of tree to be retained during the removal of nominated trees from the site and also any future works on the property (i.e. construction of a dwelling, etc.);

- Be prepared and actioned by a suitably qualified Project/Consulting Arborist with a minimum qualification of AQF V – Diploma of Arboriculture;
- Include a monitoring program conducted by a suitably qualified professional with regular inspections being documented and reported to Council to ensure site workers do not alter or breach the Tree Protection Zones; and
- All works that occur within the Tree Protection Zones are to be supervised by the Project/Consulting Arborist.

4.25 Imported Soil

To protect SEPP 14 Wetland No.91(a), all construction soil to be used for the construction of the Wetland Interface Road Reserve or the wetland interface drainage reserve is to be sourced from the development site and/or otherwise certified as being weed free. Ongoing weed eradication works shall be undertaken during and post construction.

4.26 No Burning of Cleared Vegetation

No burning of cleared vegetation or other waste material shall occur on site prior to or during the construction phase of the development.

4.27 Implementation of Environmental Plan (WRMP)

Within one month of commencing any works on the site, the Developer is to implement the approved Wetland Rehabilitation and Monitoring Plan (WRMP).

5 PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions in this section of the consent must be complied with prior to the issue of a Subdivision Certificate relating to the approved development.

5.1 Application for Subdivision Certificate

An application for any Subdivision Certificate must be accompanied by final plans of subdivision, together with the requisite processing fee, shall be submitted to Council for approval. In addition, a written statement confirming how each condition of consent has been complied with is also to accompany the Subdivision Certificate application.

5.2 Developer Contributions

Prior to issue of a Subdivision Certificate where subdivision is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 7.11 of the Environmental Planning & Assessment Act, 1979:

Contribution Plan/Development Servicing Plan	Adopted
Cumalum Urban Release Area Precinct A Contributions Plan 2015	26 February 2015
Ballina Shire Roads Contribution Plan, Version 4.1	26 July 2018

Ballina Shire Open Spaces and Community Facilities Contributions Plan 2016	1 January 2017
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 (**attached**).

5.3 Developer Charges

Prior to issue of a Subdivision Certificate where subdivision is proposed, payment to council of non-refundable monetary charges shall be made towards the provision of bulk water supply, water reticulation and sewer infrastructure which are required as a result of the development in accordance with the charges set by Ballina Shire Council and Rous Water as water supply authorities under the Water Management Act 2000. The amount payable will be the assessed additional equivalent tenements generated by the development multiplied by the charge applicable at the time of payment.

Certificates of Compliance pursuant to Section 306 of the Water Management Act 2000 shall be deemed to have been issued where the required charges have been paid and all construction works required by the water supply authority for the development have been completed.

The charges are currently guided by the following development servicing plans:

Water Supply Authority	Contribution Plan/Development Servicing Plan	Adopted
Ballina Shire Council	Ballina Shire Council Water Supply Infrastructure Development Servicing Plans	27 February 2015
Ballina Shire Council	Ballina Shire Council Sewerage Infrastructure Development Servicing Plans	27 February 2015
Rous Water	Development Servicing Plan for Bulk Water Supply	15 June 2016

The Development Servicing Plans provide for the indexing of charges and are also subject to amendment and replacement. The charges payable are the charges set by the water supply authorities at the time payment is made. Copies of the Development Servicing Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website www.ballina.nsw.gov.au.

It should be noted that Ballina Shire Council acts as Rous Water's agent in the collection of Rous Water Bulk Water Supply Charge for developments that are connected to the Ballina Shire water supply.

The charges applicable at the time this consent is issued are included in Schedule 1 (**attached**).

5.4 Landscaping Completed Prior to Subdivision Certificate

Prior to the release of any Subdivision Certificate, the area to which that stage of the development relates is to be landscaped in accordance with the approved landscape plan.

5.5 Civil Works

All civil works approved under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to issue of the subdivision Certificate. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified.

5.6 Evidence of Completion of Subdivision Works

A subdivision certificate will not be issued until evidence satisfactory to Council is submitted, that the subdivision works, as approved by Construction Certificate(s), have been completed or that other arrangements satisfactory to the consent authority, in accordance with Part 6 Division 6.4 Section 6.15 (2) (b) or (c) of Environmental Planning and Assessment Act 1979 No 203, have been made.

In this regard "evidence satisfactory to Council" is to consist of certification by Council that:

- (a) Works as executed plans have been submitted and assessed to demonstrate that the subdivision works designated in the Construction Certificate have been provided and that they comply, within the tolerances permitted in the Northern Rivers Local Government Development Design and Construction Manuals or relevant standards, with the dimensions on the Construction Certificate plans and
- (b) All tests and inspections specified in Ballina Shire Council, Subdivision Works Inspection Form (available on Council's website) have been conducted and that the results comply with the requirements of the Construction Certificate and associated specifications in the Northern Rivers Local Government Development Design and Construction Manuals.

5.7 Road Signage

The Developer shall be responsible for the installation of all road signage including street name signs. All road name signs must comply with the requirements of Australian Standards 1742, 1753 & 1744. All road name signs must be approved by Council's Development Engineer on telephone 6686 4444 prior to their manufacture and installation.

5.8 Dedication

Prior to the issue of a Subdivision Certificate for any stage of the development requiring the provision of stormwater quality infrastructure or stormwater detention systems, details of the public drainage reserves/public reserves for that stage must

be submitted to and approved by Council, following which the public drainage reserves/public reserves must be dedicated to Council. The public drainage reserves shall be provided in accordance with the requirements of the approved Stormwater Management Plan and relevant landscape plan.

5.9 Stormwater

Prior to the issue of a Subdivision Certificate for each stage of the development, certification must be provided to the Principal Certifying Authority that all stormwater works have been provided in accordance with the approved Construction Plan and the approved Stormwater Management Plan. Overland flow paths must not be impeded through structures or landscaping and must direct stormwater flows to the public drainage system and not onto adjoining properties. This certification is to be provided by a registered certified practicing Engineer competent in the field of stormwater design and familiar with all aspects of the project.

5.10 Stormwater Management Plan

Prior to the issue of a Subdivision Certificate for each stage of the development, Council is to be provided with a comprehensive Maintenance and Management Plan for all stormwater works and controls to be inherited by Council. This Management Plan is to be prepared by a suitably qualified registered practicing Engineer experienced in stormwater management addressing all maintenance requirements of the assets, life expectancy, special training required and approximate annual costings.

5.11 Water and Sewer

The completion of all water supply and sewer works are to be in accordance with the approved Construction Plans and in accordance with the Northern Rivers Local Government Development Design and Construction Manuals. All works are to be completed and approved by Council prior to issue of the Subdivision Certificate for each stage of the development.

5.12 Dual Water Supply

Prior to the issue of the Subdivision Certificate, all allotments created by this consent shall include the following positive covenants on the Section 88E(3) instrument:

- (i) No plumbing may be installed on the Lot burdened unless it has provision for recycled (non-potable) water service plumbing and facilities in accordance with Ballina Shire Council's Dual Water Supply Plumbing Policy or any superseding policy; and
- (ii) The registered proprietor may not complete any contract for sale of the Lot burdened until a Dual Water Supply Cross-Connection Audit Certificate of Compliance (as referred to in Ballina Shire Council's Dual Water Supply Plumbing Policy) in respect of the Lot burdened has been issued by Ballina Shire Council.

5.13 Dry Weather Flow

Certification shall be provided by a suitably qualified engineering consultant confirming that the developments sewer infrastructure was designed and constructed to prevent dry weather sewage overflows under all operating conditions.

5.14 Landscape Bond

A landscaping bond, equal to the value of the landscaping works plus 30% contingency factor, shall be lodged with Council prior to the issue of a Subdivision Certificate for each stage of the development. Upon written advice that the approved site landscaping plan has been implemented and established Council will conduct a practical completion inspection.

A maintenance period of 12 months will apply from the date of registration of the subdivision plan. The bond maybe used by Council to maintain, repair or rectify works that are failing. After the 12 months period has finished the Developer shall notify Council that the final inspection is due to take place. If the final inspection verifies that the objectives described in the landscape plan have been achieved Council will refund the landscaping bond.

5.15 Norfolk Pines Fronting The Coast Road

Prior to the issue of a Subdivision Certificate for Stage 1C of the development, tree management works relating to the Norfolk Pines fronting The Coast Road shall be completed by and at the expense of the developer in accordance with the approved Tree Retention/Removal Plans.

5.16 Services (Electricity and Communication)

Prior to the issue of a Subdivision Certificate for each stage of the development, certification is to be provided to the Principal Certifying Authority that electricity and communication/telephone services have been installed and commissioned to each lot to the satisfaction of the relevant authorities.

5.17 Services (Greenfield Site)

The certification shall be provided by a Registered Surveyor that all utilities, services and domestic drainage lines are wholly contained within the respective lots or within specified easements.

5.18 Public Lighting

Prior to the issue of a Subdivision Certificate, certification is to be provided to the Principal Certifying Authority that installation of public street lighting within the development has been completed and commissioned to the satisfaction of the relevant authorities.

5.19 Overhead Power

The overhead power lines that traverse the site must have been relocated, at no cost to Council, in accordance with the approved plans and prior to the release of the Subdivision Certificate for the development.

5.20 Maintenance Bond

The following maintenance bond must be provided to Council which provides the amount of Goods and Services Tax (GST) payable. The bond is subject to review and may vary at the actual time of payment:

- Civil maintenance Bond: Equal to 5% of the estimated cost of the public asset and infrastructure works as determined using Council's Development Asset Spreadsheet (Refer to Council's Schedule of Fees & Charges for minimum fees)

A maintenance period of six months will apply from the date of registration of the subdivision plan for the relevant stage of the development including those works. The bond may be used by Council to maintain, repair or rectify works that are failing within the relevant stage. The bond will be refunded upon completion of the six month period should no such failure occur.

5.21 Works as Executed (drawings)

The Developer shall submit to Council an electronic copy of the WAE information in AutoCAD and PDF format. All data is to be on MGA zone 56 coordinates and AHD for levels. Separate drawings shall be provided for roads, water, sewer and stormwater drainage. The Developer shall be deemed to have indemnified all persons using such drawings against any claim or action in respect of breach of copyright.

5.22 Works as Executed (asset listing)

In connection with the 'Works-as Executed' drawings the proponent shall submit an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from Council's website.

5.23 Easements

Easements shall be created prohibiting the erection of buildings or structures over or adjacent to Council assets (ie: water, sewer and stormwater pipelines). The prohibition on the erection of buildings or structures shall extend horizontally on each side of the pipeline for a distance equal to the depth of the pipeline from the pipe invert level to finished surface level. The minimum width of such easement shall be 3.0 metres. Easements are to be in accordance with the "Building over Council's Assets" policy and approved prior to issue of the Subdivision Certificate.

5.24 Stormwater Conveyance Easement Stage 1D

An easement to convey stormwater shall be created burdening the whole of lot 635 (DR4) to Council's benefit. Details are to be submitted to and approved by the Council prior to the issue of the Subdivision Certificate for Stage 1D.

5.25 Stormwater Easement East Stage 1A

An easement to convey stormwater shall be created over the flow paths from the north east and south east stormwater discharge locations burdening Lot 4

DP1184436 to Council's benefit. Details are to be submitted to and approved by Council prior to the issue of the Subdivision Certificate for Stage 1A.

5.26 Retaining Walls

Prior to the issue of a Subdivision Certificate, certification must be provided to the Principal Certifying Authority that all retaining wall works have been provided in accordance with the approved Construction Plan and associated Design Report from a registered certified practicing engineer, competent in the field of retaining wall design and familiar with the geotechnical aspects of the project.

5.27 Survey Markers

Where permanent survey marks have been placed or existing survey markers have been connected to the Australian Height Datum under the requirements of the Spatial Information Regulation 2012, those values are to be provided to Council and shown on the Works-as-Executed drawings.

5.28 Public Transport

Prior to the issue of the Subdivision Certificate, written advice from the Ministry of Transport acknowledging that the ministry has been provided sufficient information in regards to the subdivision to allow for the future planning of public transport services within the estate must be submitted to the Principal Certifying Authority.

5.29 Bus Stops

Installation of the bus stops, J poles and shelters approved with the Construction Certificate must be completed prior to the issue of the Subdivision Certificate for the relevant stages of the development.

5.30 Bus Shelter Certification

Prior to the issue of the Subdivision Certificate for the relevant stages of the development, certification is required from a suitably qualified person that all requirements of AS 1428.4.1:2009 have been met in relation to bus shelter construction and treatments.

5.31 Earthworks and Filling

Prior to the issue of the Subdivision Certificate for each stage of the development, an appropriately qualified practising professional Geotechnical Engineer shall provide Engineering Certification that clearly states the following;

- All earthworks and filling have been inspected to a Level 1 standard in accordance with AS 3798 (current version) and in accordance with the recommendations of the detailed Geotechnical Investigation approved with the Construction Certificate.
- All surface movement (ys) has achieved rates that are consistent with a site classification M as defined by AS 2870 (current version). If expected surface movement (ys) for the proposed allotments are likely to exceed a site classification of M, all affected allotments shall be burdened by a

Restriction on Use pursuant to Section 88B of the Conveyancing Act advising future owners of the site classification.

- Trenches have been compacted in accordance with Council's Construction Specifications.
- All works have been completed in accordance with the approved Construction Report.
- That any fill material imported to the site is free of contaminants being natural or otherwise, and was obtained from an approved fill source with quality assurance testing.

5.32 Underpass Certification - Stage 1A

Prior to the issue of the subdivision certificate for Stage 1A, a suitably qualified engineer must provide structural certification for the underpass under Headlands Drive/Road One in addition to certifying that the structure has been constructed in accordance with the approved design plans and the requirements of AS1428.1, AS 1428.2 and AS/NZS 1158.3.1:2005.

5.33 Restriction – Noise

A Restriction-As-To-User, in accordance with Section 88b of the *Conveyancing Act 1919*, is to be placed on the title of Lots 601-603 and 619-630 stating:

- (a) Dwelling designs of first floor or above levels located on Lots 601-603 and 619-630 must achieve the internal noise levels (LAeq) of 35 dBA for bedrooms during night periods (10 pm to 7 am) and 40 dBA for other habitable rooms at any time. Certification from a suitably qualified and experience person shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate or Complying Development Certificate for any dwelling.
- (b) Dwelling designs of first floor or above levels located on Lots 601-603 and 619-630 must obtain certification from a suitably qualified and experience person confirming construction of the dwelling will achieve the required internal noise levels. Certification shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

5.34 Restriction – Mosquito Management

Prior to the issue of the Subdivision Certificate a Restriction-As-To-User, in accordance with Section 88b of the *Conveyancing Act 1919*, is to be placed on the title of all residential lots stating:

All windows, external doors and other openings of any proposed dwelling located on the lots burdened must incorporate effective insect screening. Where the dwelling includes large openings which are impractical to effectively screen the following applies:

- For the room/s containing the opening – when the opening is closed there is light and ventilation available to the room that meets the provisions of the Building Code of Australia via other openings that are effectively screened;
- For all other rooms – all windows, external doors and other openings to habitable rooms are to incorporate effective insect screening.

Where rainwater tanks are installed, both the inlet and outlet (overflow) must be effectively screened with durable material to prevent entry to the tank by mosquitoes.

5.35 Mosquito Management

The mosquito buffer must only comprise vegetation included in the approved landscaping plan for this area, certified by the Entomologist (Note: The vegetation must be of a suitable type to manage the mosquito risk and not encourage the movement of mosquitoes between mosquito harbourage/breeding sites and residential lots). Any vegetation present that is not included in the approved landscaping plan for the mosquito buffer must be removed prior to the issue of a subdivision certificate.

5.36 Tree Protection – Stage 1B

A restriction is to be registered on the title of Lot 207, in accordance with section 88 of the *Conveyancing Act 1919*, which has the effect of prohibiting buildings, structures, excavation and inground services from within the 15 metre Tree Protection Zone (TPZ) of tree D, as nominated in Arboricultural Impact Assessment Addendum Report (dated 26 March 2018) prepared by Independent Arboricultural Services.

The section 88B instrument is required to be submitted with the Subdivision Certificate application for the creation of Lot 207 and is to be approved by Council prior to the issue of a Subdivision Certificate for the Stage 1B of the development.

5.37 Fencing Adjoining Coastal Reserve - Stages 1A, 1C, and 1F

A public positive covenant pursuant to section 88E of the *Conveyancing Act 1919* shall be submitted to Council for approval as part of the Subdivision Certificate Application for the relevant stages of the development and is to be subsequently registered on Lots 162, 346, and 619 to 630 inclusive. The restriction shall have the effect of restricting any type of fencing along the eastern boundary of the subject properties (abutting the Coastal Reserve – Lot 347) to open style fencing to a maximum height of 1.2 metres from existing ground level.

5.38 Bushfire Protection

A restriction is to be registered on each residential lot in accordance with section 88 of the *Conveyancing Act 1919*, which addresses the Asset Protection Zone and Landscaping requirements outlined in the Bushfire Safety Authority granted 31 July 2018 under section 100B of the *Rural Fires Act 1997* (refer to Schedule 2).

5.39 Bushfire Protection

Prior to the issue of the Subdivision Certificate for any stage of the development, the developer must submit certification from a suitably qualified bush fire consultant demonstrating that the relevant conditions of the Bushfire Safety Authority granted 31 July 2018 under section 100B of the *Rural Fires Act 1997* (refer to Schedule 2) have been addressed and complied with.

5.40 Neighbourhood Park (Lot 348) Stage 1C

The embellishment of Neighbourhood Park (proposed lot 348) is to be completed to the satisfaction of Council's Manager of Open Spaces and Resource Recovery Section prior to the issue of a Subdivision Certificate for Stage 1C.

5.41 Central Park (Lot 442) Stage 1D

The embellishment of the Central Park (proposed lot 442) is to be completed to the satisfaction of the Manager of Open Spaces and Resource Recovery Section prior to the issue of a Subdivision Certificate for Stage 1D.

5.42 Dedication of Land Stage 1A

Prior to the issue of the Subdivision Certificate for stage 1A of the development, the developer shall dedicate Lot 160 (DR1) to Council as drainage reserve at no cost to Council.

5.43 Dedication of Land Stage 1C

Prior to the issue of the Subdivision Certificate for Stage 1C of the development, the developer shall dedicate Lot 349 (DR2) to Council as drainage reserve at no cost to Council.

5.44 Dedication of Land Stage 1C

Prior to the issue of the Subdivision Certificate for Stage 1C of the development, the Developer shall dedicate the Neighbourhood Park (Lot 348) to Council as public reserve at no cost to Council.

5.45 Dedication of Land Stage 1D

Prior to the issue of the Subdivision Certificate for Stage 1D of the development, the Developer shall dedicate the Central Park (Lot 442) to Council as public reserve at no cost to Council.

5.46 Dedication of Land Stage 1D

Prior to the issue of the Subdivision Certificate for Stage 1D of the development, the developer shall dedicate Lot 444 (DR3) to Council as drainage reserve at no cost to Council.

5.47 Dedication of Land Stage 1F

Prior to the issue of the Subdivision Certificate for Stage 1F of the development, the Developer shall dedicate lot 632 (PR5) to Council as public reserve at no cost to Council.

5.48 Dedication of Coastal Buffer / Drainage Reserve(s) – Stage 1F

Prior to the issue of the Subdivision Certificate for Stage 1F of the development either:

- The entire Lot 347 (as shown on the approved subdivision plan) containing stormwater and public infrastructure (footpaths etc) shall be dedicated to Council as a drainage reserve free of cost.

or

- all lots nominated for dedication to Council under the approved Drainage Reserve Dedication Plan (refer to deferred commencement condition iv) shall be dedicated to Council at no cost and the relevant easements created (if required by the approved plan). All residual portions of Lot 347 shall be connected via vinculum, consolidated with Lot 346, and provided with adequate arrangements for legal access.

5.49 Eastern Boundary Fence

Rewiring or replacement of the eastern boundary fencing shall be completed prior to the issue of a Subdivision Certificate for Stage 1F.

5.50 Consolidation - Stage 1F

Proposed Lot 635 is to be consolidated with either Lot 5 DP 1225206 or Lot 50 DP 755684. A plan of consolidation of the two lots shall be registered at the Land Titles Office prior to issue of a Subdivision Certificate for Stage 1F. Evidence of registration of the plan shall be provided to Council.

5.51 Restriction - On-lot Infiltration Trenches

A restriction is to be registered on the title of all residential lots within the development containing a rear lot infiltration device, in accordance with section 88E of the *Conveyancing Act 1919*, preventing the removal, modification or disconnection of the stormwater infiltration trench, or the building of structures over the devices/trenches. The restriction must include details identifying the location of the stormwater detention/infiltration tanks within each lot.

The section 88E instrument is required to be submitted with the Subdivision Certificate for each stage of the development and is to be approved by Council prior to the issue of the Subdivision Certificate.

5.52 Stormwater Maintenance Easement (Wetland Culverts) Stage 1A

An easement to allow maintenance of the newly constructed stormwater culverts (to the wetland) shall be created over Lot 5 DP 1225206, to Council's benefit. The easement shall be a minimum of five metres either side of these culverts. Details are to be submitted to and approved by Council prior to the issue of the Subdivision Certificate for Stage 1A.

5.53 Implementation of Environmental Plans (FWOP & WCRP) – Stage 1A

Prior to the issue of a Subdivision Certificate for Stage 1A, the Developer is to implement the approved Freshwater Wetland Offset Plan (FWOP), and Wildlife Corridor Restoration Plan (WCRP).

5.54 Progress Reports of Environmental Plans (WRMP, FWOP & WCRP)

Prior to the issue of each subdivision certificate, progress reports shall be submitted to Council's Development and Environmental Health Group confirming that compliance with the implementation timetable in each of the approved environmental plans (WRMP, FWOP & WCRP) has been successfully achieved.

ADVISORY MATTERS

Protection of the Environment

The development is to be carried out in accordance with the provisions of the Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and wastewater quality.

Advisory Note:

The Developer is advised to take care in ensuring that no damage is done to or unauthorised modifications are carried out on either Council's or any other organisation's underground infrastructure assets. Any Council sewer, stormwater or water main or other organisation owned electricity supply or telecommunication facility is not to be damaged or altered in any way without the necessary approvals being obtained beforehand from the relevant server.

You are advised to contact the following:

- **Council - for information on sewer, water supply & stormwater**
- **Rous Water - Water Supply for Rous Water Authority controlled areas**
- **"Dial Before You Dig" - for other service infrastructure**

The information relating to your property is to be obtained prior to any works commencing.

SCHEDULE 1 – Developer Contribution (Per Lot Rate)

Note: The following contributions are payable for each new lot (other than open space and reserve lots) created as part of the development approved under DA 2017/244, with the exception of the final residential lot to be created as part of this development, to which a credit will be applied by Council in recognition of dwelling entitlement for the existing rural lot at the development site.

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Skennars Head Local Parks 2016	4301	equivalent residential allotment	\$254.00	0.0000	\$0.00
Ballina District Parks 2016	4302	equivalent residential allotment	\$1,127.00	0.9864	\$1,111.66
Ballina Playing Fields 2016	4303	equivalent residential allotment	\$2,539.00	0.9864	\$2,504.44
Regional Level Recreational Facilities (SHIRE) 2016	4304	equivalent residential allotment	\$1,844.00	0.9864	\$1,818.90
Ballina District Community Centres & Meeting Halls 2016	4305	equivalent residential allotment	\$1,099.00	0.9864	\$1,084.04
Regional Level Community Facilities (SHIRE) 2016	4306	equivalent residential allotment	\$1,082.00	0.9864	\$1,067.27
OS & CF Plan Administration (SHIRE) 2016	4307	equivalent residential allotment	\$109.00	0.9864	\$107.52
Roads Contribution Plan V4.1 (2018)	5206	equivalent residential allotment	\$12,292.00	0.9864	\$12,124.68

Attachment 2

Roads Administration V4.1 (2018)	5207	equivalent residential allotment	\$184.00	0.9864	\$181.50
Skennars Head Wastewater Services (DSP Area B)	3010	equivalent tenement	\$5,129.00	1.0000	\$5,129.00
Skennars Head Water Supply (DSP Area B)	2009	equivalent tenement	\$3,351.00	1.0000	\$3,351.00
Rous Water 2016	5001	equivalent tenement	\$8,588.00	1.0000	\$8,588.00
TOTAL	\$37,068.00				

SCHEDULE 2

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Your Ref: 2017/244
Our Ref: D17/1854
DA17112110411 PC

ATTENTION: Peter Drew

31 July 2018

Dear Mr Drew

Integrated Development Application - 6//1225206 - the Coast Road Skennars Head

I refer to your correspondence dated 9 July 2018 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate for each stage and in perpetuity, the respective residential lots shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

2. A 10 metre wide restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed along the southern boundary of the development in Stage 1E, either within proposed Lots 515, 522, 523 & 524 or on the adjacent land for the purpose of a temporary asset protection zone (APZ). The APZ shall be managed as an IPA as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The restriction to land use for the purpose of a temporary APZ may be extinguished upon commencement of development on the adjoining land to the south.
3. A 10 metre wide restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the residue lot surrounding each respective stage of subdivision for the purpose of a temporary asset protection zone (APZ). The APZ shall be managed as an IPA as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The restriction to land use for the purpose of a temporary APZ is not required where a perimeter road is provided and may be extinguished upon commencement of development over the affected areas.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

4. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

5. Public road access shall comply with section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

Landscaping

6. Landscaping to the site, including proposed public reserves, is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
7. Landscaping to the west of the perimeter road shall be carried out in accordance with the plan titled 'Skennars Head Expansion Area: Wetland interface, mosquito buffer / bushfire attack level zones' prepared by Landsite Pty Ltd (Ref: 1519, Rev. C), dated June 2018. (Note: BALs are not endorsed and should be subject to individual site assessment prior to issuing of a construction certificate)

General Advice – consent authority to note

The general terms of approval / bush fire safety authority conditions outlined in this letter relate to the plans prepared by B & P Surveys (Ref No. M31890, Drawing No. 21837, Rev. S, Sheets 1 to 4), dated 28.06.2018.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 6 July 2018.

Should you wish to discuss this matter please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Bawden', with a stylized, cursive script.

Alan Bawden
Team Leader - Development Assessment & Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au

SCHEDULE 3

Attachment 1

Office of Environment and Heritage (OEH)

GENERAL TERMS OF APPROVAL - Aboriginal Cultural Heritage

Issued under s91A(2) of the *Environmental Planning and Assessment Act 1979*

Integrated Development Application DA: 2017/244, Lot 6 DP 1225206 (formally Lot 265 DP 1212348), The Coast Road, Skennars Head

1. An Aboriginal Heritage Impact Permit (AHIP) is to be obtained in accordance with Part 6 of the *National Parks & Wildlife Act 1974* prior to the commencement of any ground disturbance or any other works associated with the development.
2. The AHIP application is to accord with the following guideline: *Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants* (OEH May 2011)
(<http://www.environment.nsw.gov.au/resources/cultureheritage/20110280AHIPguideforapplicants.pdf>).
3. The AHIP application is to be accompanied by sufficient information to demonstrate that consultation with the local Aboriginal community satisfies OEH's 'Aboriginal cultural heritage consultation requirements for proponents 2010'
(<http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>).
4. Fair and reasonable opportunities are to be provided for registered Aboriginal parties to monitor initial ground disturbance works associated with the development.
5. In the event that additional Aboriginal objects are uncovered during the monitoring program, such objects are to be recorded and managed in accordance with the requirements of sections 85A and 89A of the *National Parks & Wildlife Act 1974*.
6. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeological specialist and representatives of the registered Aboriginal parties must be contacted to determine the significance of the object(s) and to develop an appropriate management strategy. The management strategy shall comply with the provisions of the *National Parks & Wildlife Act 1974*. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) and the management outcome for the site included in the information provided for such registration.
7. In the event that human remains are located following surface disturbance, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be undertaken until the NSW Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact OEH's Environment Line on 131 555 and representatives of the registered Aboriginal parties. No works are to continue until OEH provides written notification to the applicant.
8. An Aboriginal Cultural Heritage Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when, for the duration of the project. The program should be developed and implemented in collaboration with the representatives of the registered Aboriginal parties.

SCHEDULE 4



General Terms of Approval for work requiring a licence under the *Water Act 1912*

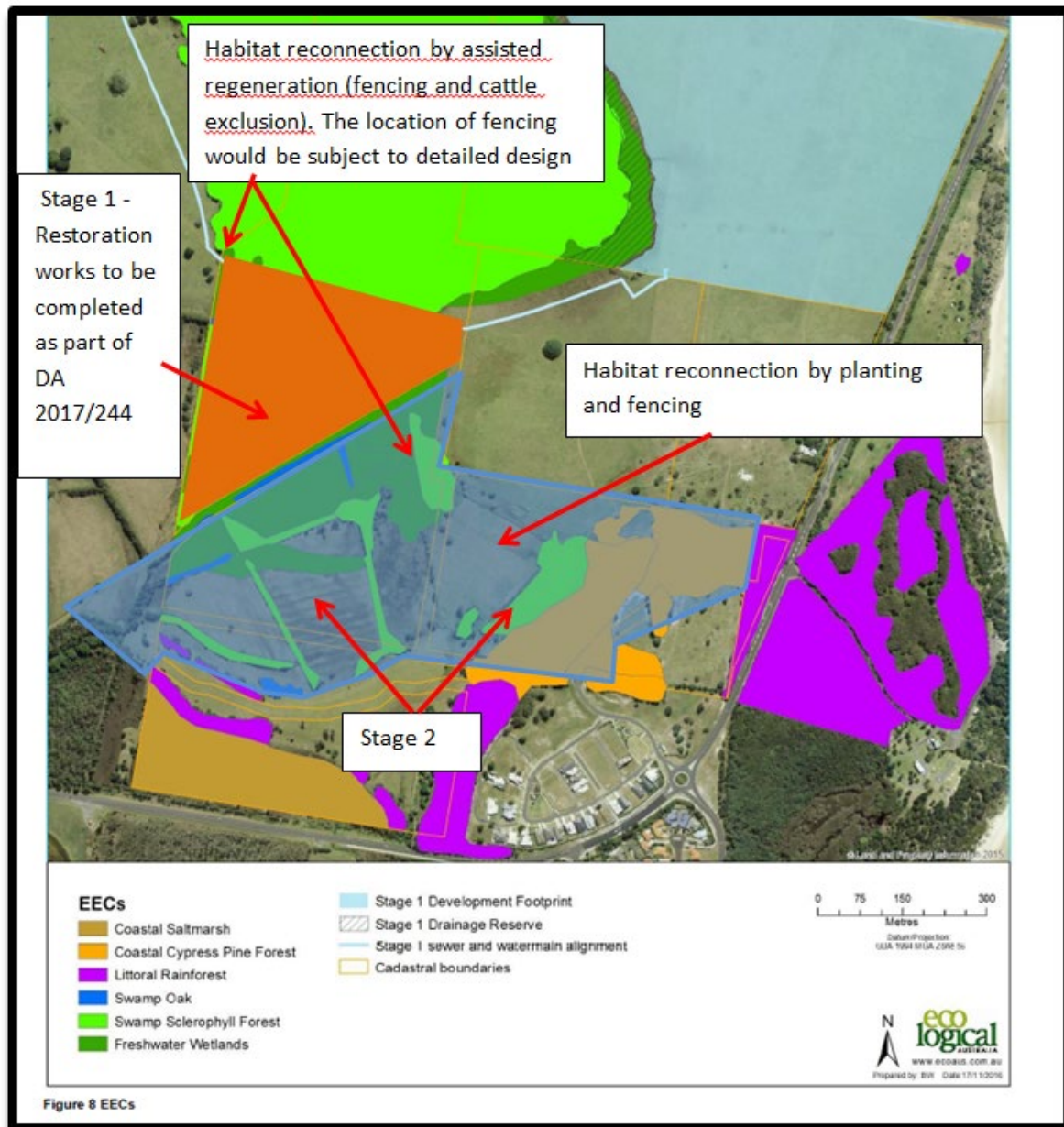
Number	Condition	File No:
Site Address:	The Coast Road, Skennars Head	
DA Number:	2017/244	
LGA:	Ballina Shire Council	
<ol style="list-style-type: none">1. Before commencing any works or using any existing works for the purpose of dewatering in excess of 3ML within 12 months an approval under Part V of the <i>Water Act 1912</i> must be obtained from WaterNSW. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the <i>Water Act 1912</i>.3. When WaterNSW grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.7. All vegetation clearing must be authorised under the <i>Native Vegetation Conservation Act 1997</i>, if applicable.8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.9. A license fee calculated in accordance with the <i>Water Act 1912</i> must be paid before a license can be granted.10. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.11. Works for construction of a bore must be completed within such period as specified by WaterNSW.12. Within two months after the works are completed WaterNSW must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.		

WaterNSW
Level 3, 49 Victoria Street Grafton NSW 2460 : Locked Bag 10 Grafton NSW 2460
t + 61 2 66416500 | f + 61 2 66416642 | e water.enquiries@dpi.nsw.gov.au



Number	Condition	File No:
13.	WaterNSW has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.	
14.	The licensee must allow authorised officers of WaterNSW, and its authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of: <ol style="list-style-type: none"> 1 -inspecting the said work 2 -taking samples of any water or material in the work and testing the samples. 	
15.	The licensee shall within 2 weeks of being notified install to the satisfaction of WaterNSW in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by WaterNSW. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to WaterNSW upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.	
16.	The authorised work shall not be used for the discharge of polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the <i>Protection of the Environment Operations Act 1997</i> . A copy of the licence to discharge is to be provided to WaterNSW.	
17.	The maximum term of this licence shall be twelve (12) months.	
18.	The licensee must make a determination of the requested licence volume and time frame for dewatering.	
19.	The authorised work shall not be used for the discharge of water unless the ph of the water is between 7 and 8.5, or the water has been treated to bring the ph to a level between 7 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.	
20.	The work shall be managed in accordance with the constraints set out in an Acid Sulphate Soil Management Plan & Dewatering Management Plan approved by WaterNSW.	
21.	The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.	
22.	The consent holder must ensure that post construction dewatering is not required.	
END OF CONDITIONS		

SCHEDULE 5



General location of land to be included into the Wildlife Corridor Restoration Plan (WCRP). Stage 1 works are highlighted by the orange polygon. Stage 2 works are contained within the blue polygon.